

## United States District Court

for the

Eastern District of Washington

Report on Offender Under Supervision  
(No Action Requested)FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

OCT 11 2005

JAMES R. LARSEN, CLERK  
DEPUTY  
SPOKANE, WASHINGTON

Name of Offender: Michael William Smith

Case Number: 2:01CR00155-001

Name of Sentencing Judicial Officer: The Honorable Fred Van Sickle, U.S. District Judge

Date of Original Sentence: 8/1/2002

Type of Supervision: Supervised Release

Original Offense: Distribution of Cocaine Base, 21  
U.S.C. § 841(a)(1); Possession of Cocaine Base, 21  
U.S.C. § 844; Conspiracy to Possess with the Intent to  
Distribute and Distribute Over 50 Grams of Cocaine  
Base, 21 U.S.C. § 846; Maintaining an Establishment  
for the Purpose of Manufacturing, Distributing or  
Using a Controlled Substance, 21 U.S.C. § 856(a)(1)

Date Supervision Commenced: 2/18/2005

Original Sentence: Prison - 46 Months; TSR - 60  
Months

Date Supervision Expires: 2/17/2010

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**NONCOMPLIANCE SUMMARY**

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The offender has not complied with the following condition(s) of supervision:

Violation Number      Nature of Noncompliance

1

**Standard Condition # 7:** The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substance, except as prescribed by a physician.

**Supporting Evidence:** Michael Smith violated conditions of his supervised release by consuming cocaine on or about September 27, 2005, contrary to condition number 7 of the conditions of supervised release.

On September 27, 2005, Michael Smith was summoned to the U.S. Probation Office for urine testing. The sample was tested and returned a presumptive positive reading for cocaine. Initially, the offender denied consuming cocaine when questioned by the U.S. probation officer. Eventually, Michael Smith signed an admission of drug use form acknowledging cocaine consumption on or about September 23, 2005.

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**Special Condition #16:** You shall abstain from the use of illegal controlled substances, and shall submit to testing (including urinalysis and patch), as directed by the supervising probation officer, in order to confirm your continued abstinence from these substances.

**Supporting Evidence:** Michael Smith violated conditions of his supervised release by failing to appear for urinalysis testing on September 26, 2005, contrary to special condition number 16 of the conditions of supervised release.

Prob12A

Re: Smith, Michael William

September 30, 2005

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**Special Condition #17:** You shall abstain from alcohol and shall submit to testing (including urinalysis and breathalyzer), as directed by the supervising probation officer, in order to confirm your continued abstinence from this substance.

**Supporting Evidence:** Michael Smith violated conditions of his supervised release by consuming alcohol on or about September 23, 2005, contrary to special condition number 17 of the conditions of supervised release.

On September 27, 2005, Michael Smith was summoned to the U.S. Probation Office for urine testing. Michael Smith signed an admission of drug use form acknowledging alcohol consumption on or about September 23, 2005. He advised that he consumed the alcohol prior to ingesting cocaine.

**U.S. Probation Officer Action:**

As an intermediate sanction, Michael Smith was directed to abstain from the use of controlled substances and alcohol while under supervision. Additionally, he is required to resume participation in treatment services following his use of controlled substances. The undersigned officer discussed this recent use of narcotics with the chemical dependency counselor and confirmed the need for more intensive intervention.

The Court is advised the offender completed substance abuse treatment in June 2005. Contact with the chemical dependency counselor confirms that the offender is scheduled to resume counseling in October 2005.

It is hoped that the intermediate sanction imposed meets the expectations of the Court. The offender appears amenable to treatment efforts. Please advise this officer should Your Honor require a different course of action or a Court appearance by the offender.

Respectfully submitted,

by

Tommy Rosser

Tommy Rosser

U.S. Probation Officer

Date: September 30, 2005

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- ☒ Court Concurs with Officer Action  
☐ Submit a Request for Modifying the Condition or Term of Supervision  
☐ Submit a Request for Warrant or Summons  
☐ Other

Fred Van Bille

Signature of Judicial Officer

October 7, 2005

Date


EDWA13 (12/02)

**EASTERN DISTRICT OF WASHINGTON  
U.S. PROBATION AND PRETRIAL SERVICES  
ADMISSION OF DRUG USE**

I, Smith, Michael, hereby admit that I have used the following drug(s) on the date(s) indicated below without proper medical authorization in the form of a valid prescription or physician's instructions:

<u>Cocaine</u>	<u>9-23-05</u>
DRUG	DATE
<u>Alcohol</u>	<u>9-23-05</u>
DRUG	DATE
<u></u>	<u></u>
DRUG	DATE

This admission of drug use is made voluntarily and without threat or promise, and I understand that it can be used against me in U.S. District Court or U.S. Parole Commission proceedings. An admission may also result in my being requested to participate in an assessment and/or recommended treatment.

SIGNED  9-27-05  
Defendant/Offender Date

 9-27-05  
USPTSO/USPO Date